

ASSEMBLY BILL

No. 2910

**Introduced by Assembly Member Huffman
(Principal coauthor: Assembly Member Krekorian)**

February 22, 2008

An act to amend Section 1371.25 of the Health and Safety Code, relating to health care service plans.

LEGISLATIVE COUNSEL'S DIGEST

AB 2910, as introduced, Huffman. Health care service plans: liability.

Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care. Existing law requires a plan to have written policies and procedures establishing the process by which the plan reviews, approves, modifies, delays, or denies requests by providers of health care services for plan enrollees, as specified, and requires that those policies and procedures comply with specified criteria.

Under existing law, a plan, an entity contracting with a plan, and providers are each responsible for their own acts or omissions and are not liable for the acts or omissions of, or the costs of defending, others, except as specified.

This bill would prohibit construing that provision to preclude a finding of liability on the part of a plan for a decision made by an entity with which the plan contracts that authorizes, modifies, delays, or denies health care services.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1371.25 of the Health and Safety Code
2 is amended to read:
3 1371.25. A plan, ~~any~~ *an* entity contracting with a plan, and
4 providers are each responsible for their own acts or omissions, and
5 are not liable for the acts or omissions of, or the costs of defending,
6 others. Any provision to the contrary in a contract with providers
7 is void and unenforceable. Nothing in this section shall preclude
8 a finding of liability on the part of a plan, ~~any~~ *an* entity contracting
9 with a plan, or a provider, based on the doctrines of equitable
10 indemnity, comparative negligence, contribution, or other statutory
11 or common law bases for liability. *In addition, nothing in this*
12 *section shall preclude a finding of liability on the part of a plan*
13 *for a decision made by an entity with which the plan contracts that*
14 *authorizes, modifies, delays, or denies health care services.*